**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

Writ Petition No.33339 of 1998

(Dated: 14-11-2007)

Between:

E.V.Ravi kumar S/o E.Pullaiah, Age: 28 years
Occ: Unemployee, Balijagadda Street, Gurramkonda
Post & Mandal, Chittoor District.

....Petitioner

A n d

Tirumala Tirupati Devastanam rep. by
The Executive Officer, Tirupathi, Chittoor District.
and another

....Respondents

::ORDER::

Counsel for the petitioner: Sri V.Raghunath

Counsel for respondents : Sri A.Chandraiah Naidu

ORDER:

This writ petition is filed for a writ of *mandamus* directing respondent No.1 to consider the representation of the petitioner and absorb him on regular basis with retrospective effect from the date of his initial appointment and for a consequential direction to the respondents to pay regular pay scale with arrears.

2. The petitioner claims to have been appointed as a skilled workman [Work Inspector in the office of the Deputy Executive Engineer (Electrical-II)] in the first respondent organization and worked as such from 1.12.1987 to 15.8.1988; that he was disengaged; that Tirumala Tirupathi Devastanam Employees Association, Tirupati filed writ petitions, W.P.Nos.5022 of 1988, 6352 of 1988, 8305 of 1988 and 5718 of 1988 seeking appropriate directions to regularize the services of the NMR employees; and that this Court disposed of the said writ petitions with a direction to respondent No.1 to dispose of the representations of the petitioners. The petitioner further pleads that in pursuance of the said directions of this Court, respondent No.1 prepared a statement containing details of the persons absorbed and the persons, those who have approached and those who have not approached the Court and that as the petitioner has not earlier approached the court, he

made a representation to the respondent No.1 for regularization of his services, but the same was not considered since, the petitioner has not approached this Court earlier and he was not a party to the cases in which this Court passed orders.

3. Counter affidavit has been filed by Dr.I.V.Subba Rao, the then Executive Officer of Tirumala Tirupathi Devastanams, in which the claim of the petitioner that he was engaged as NMR in the first respondent-institution. It is further averred that even assuming that the petitioner worked as NMR, he is not eligible for consideration of his case at the belated stage. The claim of the petitioner that he made several representations is also denied.

4. Though the petitioner plead that he was appointed as a skilled workman and worked as such from 1.12.1987 to 15.8.1998, he has not filed a copy of the order of appointment. He, however filed a document, which is xerox copy of the purported service certificate dated 6.4.1994, wherein it is mentioned that the petitioner worked as skilled workman (Work Inspector) in the office of the Deputy Executive Engineer(Electrical-II) of Tirumala Tirupathi Devastanams from 1.2.1987 to 15.8.1998. The petitioner also filed a xerox copy of a statement containing the details of writ petitions filed by certain persons and the directions issued by this Court in the above mentioned four writ petitions. The statement also contains the names of two persons including the petitioner under the heading “following persons who have not gone to the Court”. A copy of the representation said to have been sent to the Executive Engineer (Tirumala Tirupathi Devasatanams),

wherein the petitioner made a request to regularize his services, as was done in the case of some persons who worked with him, was also filed.

5. The petitioner has not filed any proceedings by which he was engaged. While the service certificate is a xerox copy, it is not duly authenticated. The petitioner has not filed the original service certificate nor had he explained the reasons therefor. The statement containing the details of the persons to whom certain benefits were shown to have been given in pursuance of the directions of this Court does not contain the name or the seal of the officer who prepared the statement. As already noted, the respondent No.1 specifically denied the petitioner's engagement. The petitioner has not filed any rejoinder or any material document, which conclusively establish the petitioner's plea of his engagement. I am, therefore, not convinced to accept the petitioner's claim that he was appointed by the first respondent organization and that he worked for the period from 1.12.1987 to 15.8.1998. Even assuming that the petitioner was appointed and he worked for some time, the same *ipso facto* does not entitle him, either to claim the benefit of regularization or payment of regular pay scale. The petitioner has not pleaded that respondent No.1 had formulated any scheme under which an NMR or a daily wage worker is provided with regular pay scale or regularization. The petitioner failed to file the copies of the orders said to have been passed in Writ Petition Nos.5022 of 1988 and batch and the consequential orders passed by respondent No.1 in respect of petitioners therein. In the absence of specific averment and the material field in support

thereof to show that the persons who are placed similar to him were given the benefit of regularization or fixation of pay scale, the petitioner is not entitled to grant of any relief. But, at any rate, in view of the judgment of the Supreme Court in Secretary, State of Karnataka v. Uma Devi[1], which was subsequently reiterated in State of U.P v. DeshRaj [2] and Punjab Water supply and Sewerage Boardv.Ranjodh Singh [3], the petitioner cannot claim regularization as of right. The petitioner, in the absence of any scheme formulated by the employer is not entitled to regularization, as of right, merely because, he had worked earlier for some time.

6. For the aforementioned reasons, the writ petition fails and the same is accordingly dismissed.

C.V.NAGARJUNA REDDY, J

14-11-2007
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**DATED : -11-2007**

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[1] (2006)4 SCC 1

[2] (2007)1 SCC 257

[3] (2007) 2 SCC 491